

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JAREK CHARVAT, Individually and on
behalf of all others similarly situated,**

Plaintiff,

v.

FIRST NATIONAL BANK OF WAHOO,

Defendant.

CASE NO. 8:12CV97

**ORDER TO
SHOW CAUSE**

This matter is before the Court on Defendant's Motion to Dismiss for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) (Filing No. 7). The Motion was stayed (Filing No. 13) pending the Supreme Court's decision in *First American Fin. Corp. v. Edwards*, 610 F.3d (9th Cir. 2010), *cert. granted*, 131 S. Ct. 3022 (U.S. June 20, 2011) (No. 10-708). On June 28, 2012, the Supreme Court dismissed the writ of certiorari as improvidently granted. *First Am. Fin. Corp. v. Edwards*, 2012 WL 2427807 (U.S. June 28, 2012 (No. 10-708)). Because the Supreme Court did not address the issue of standing related to this case, the Court's analysis in the June 4, 2012, Order is not altered. In the absence of good cause shown, the Motion will be granted for the reasons set forth in the Court's June 4, 2012, Order (Filing No. 13). The Court directs the parties to show cause, if any, on or before July 9, 2012, why the Motion to Dismiss should not be granted.

Accordingly,

IT IS ORDERED that on or before July 9, 2012, the parties may file a response to this Order, showing cause, if any, as to why the Motion to Dismiss (Filing No. 7), filed by Defendant First National Bank of Wahoo, should not be granted.

DATED this 2nd day of July, 2012.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge